Paper No. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KENICHI AKABORI, HIROSHI OGAWA,
KATSUHIRO SHIOBARA, and YUUJI AOYAGI

Appeal No. 95-3351
Application 07/735,356[1]

HEARD: September 15, 1997

Before JERRY SMITH, FLEMING, and CARMICHAEL, *Administrative Patent Judges*.

CARMICHAEL, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal from the final rejection of Claims 1-13, 16-31, and 33-41. Claims 14 and 15 were withdrawn as directed to a nonelected species and Claim 32 was canceled.

We affirm in part.

[1] Application for patent filed July 24, 1991.

Appellants' Claim 1 is reproduced as follows:

> 1. A controller for a data printing system, comprising:
>
> an input for receiving jobs for printing via a data transmission line from at least one remotely located input unit, each said job comprising corresponding data of one or more pages to be printed;
>
> a memory for storing said data;
>
> output means for transmitting said data to a printer, with said jobs being transmitted sequentially; and
>
> analysis means for storing the duration of printing of each of said jobs, for calculating respective printing completion times for each of said jobs, and for generating display data representing said printing completion times.

The Examiner's Answer lists the following prior art:

Filion et al (Filion)	5,036,361	Jul. 30, 1991.

OPINION

Claims 1-13, 16-31, and 33-41 stand rejected under 35 U.S.C. § 103 as unpatentable over Filion.

Claims 1, 2, and 5

Claims 1, 2, and 5 are directed to a controller for a data printing system. The claimed controller includes an input for receiving jobs for printing via a data transmission line from a remotely located input unit.

According to the examiner, print job data in Filion are received from external devices by input ports 312A and 312B. Examiner's Answer at 4, right hand column, lines 12-19. Appellants argue that input ports 312A and 312B are associated with the controller and display that are part of Filion's copy machine itself rather than being at a remote location. Appeal Brief at 21, lines 1-5; Reply Brief at 16-24. We agree with Appellants.

Filion's Figure 1 depicts a typical photocopy reproduction machine. Figure 2 shows the control system and memory for the typical machine of Figure 1. Column 2, lines 52-56. In Figure 2's control system, a shared bus 302 interconnects a plurality of core printed wiring boards. One of the printed wiring boards is input station 304 which is connected via a local bus to input/output boards 312A and

312B. Input/output boards 312A and 312B are described as "local" input/output devices. Column 5, lines 10-18. Input station 304 appears to be related to keypad 230 shown in Figure 3.

The examiner (Examiner's Answer at 4, right hand column, lines 16-19) relies on the following passage from Filion's Background of the Invention section to demonstrate that external devices are in different or remote locations:

> It would be desirable for an operator, especially one tending to a plurality of machines, to be able to easily observe the percentage completion or time required for completion of a job for any one of the machines regardless of the location of the operator in the reproduction center, and be able to restart the machine as soon as possible to begin another job run.

Column 1, line 64 through column 2, line 2. Thus, Filion is concerned with the need for an operator to observe the display of each photocopy machine in a reproduction center. As shown in Figure 5, Filion addresses that need by providing a prominent bar graph on each machine's individual display that is observable from a long distance. Column 2, lines 30-49; column 6, lines 57-59; and column 7, lines 66-68.

We cannot agree with the examiner that the local input/output boards in Filion's controller for a typical photocopy machine receive data from remote or external devices. Thus, we do not sustain the rejection of Claims 1, 2, and 5.

Claims 3, 4, 16, 17, 19, 28, 29, 30, and 31

Claims 3, 4, 16, 17, 19, 28, 29, 30, and 31 recite a printer controller including a memory for storing data to be printed. The examiner relies on Filion's discussion at lines 7-10 of column 9. Examiner's Answer at 4, right hand column, lines 19-21. That discussion concerns storing job requirements and not data to be printed.

Because the examiner has not pointed to any suggestion for a printer controller with a memory for storing data to be printed, we will not sustain the rejection of Claims 3, 4, 16, 17, 19, 28, 29, 30, and 31.

Claims 6-8, 21, and 33-35

Claims 6-8, 21, and 33-35 recite an apparatus or method in which printing completion times for a plurality of jobs are simultaneously displayed.

The examiner relies on Filion's Claim 7 and Figure 5. Examiner's Answer at 6, right hand column, lines 6-12. As we understand that disclosure, Filion displays printing completion times for a plurality of jobs sequentially rather than simultaneously.

Because the examiner has not pointed to any suggestion for simultaneously displaying completion times for a plurality of print jobs, we will not sustain the rejection of Claims 6-8, 21, and 33-35.

Claims 9, 20, 22, and 23

Claims 9, 20, 22, and 23 recite a printer controller including an input for receiving jobs from an input unit,[2] a memory for storing data of one or more pages to be printed, output means, and analysis means, wherein the input unit includes means for calculating a duration of printing of each of the jobs and for transmitting the durations to the controller via a transmission line.

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[2] As written, Claim 9 at line 5 mistakenly refers to a "printing unit." Taking that literally, the recitation of "said input unit" at line 15 of the claim would have no antecedent basis. We assume that, consistent with Appellants' arguments about input units, "printing unit" is intended to be "input unit."

The examiner states that Filion discloses the invention substantially as claimed. Examiner's Answer at 3. In connection with exemplary Claim 1, the examiner says that Filion's print job data are received in inputs 312A and 312B and stored in memory. Examiner's Answer at 4. As applied to Claims 9, 20, 22, and 23, we agree with the examiner's reasoning.

Claims 9, 20, 22, and 23, in contrast to Claims 1, 2, and 5, do not require the input unit to be in a remote location. Thus, the recited input unit is satisfied by Filion's local input unit that includes keypad 230 shown in Figure 3.

Similarly, Claims 9, 20, 22, and 23, in contrast to Claims 3, 4, 16, 17, 19, 28, 29, 30, and 31, do not recite storing data to be printed, but include storing job control data regarding the pages to be printed. Thus, the recited memory is satisfied by Filion's memory storing job control information. Column 4, lines 51-53.

We note Appellants' argument based on the sixth paragraph of 35 U.S.C. § 112. However, the input, the input unit, and the memory are not recited in means plus function format.

As to the remaining elements of Claims 9, 20, 22, and 23, the only distinction pressed by Appellants is that the output means, analysis means, and means for calculating in Filion relate to a photocopier rather than a printing system as claimed. Even if the claims as interpreted under the sixth paragraph of 35 U.S.C. § 112 did not literally cover a photocopier in an anticipation sense, we find that it would have been obvious to apply Filion's teachings to a printing system as disclosed. Filion expressly invites this application. Column 1, lines 7-11; column 3, lines 7-12.

Thus, we sustain the rejection of Claims 9, 20, 22, and 23.

Claims 10-13, 16-19, 24-29, and 36-41

The remaining claims, Claims 10-13, 16-19, 24-29, and 36-41, recite an apparatus or method that makes calculations based on print job priority, stored material amount, or receiving bin capacity. The examiner states that these features, though not taught by Filion, are well known in the art. Examiner's Answer at page 3, line 16, through page 4, line 3. Appellants dispute that such features are well known.

Absent support for the examiner's disputed finding, we will not assume that the recited calculations were well known.

Thus, we do not sustain the rejection of Claims 10-13, 16-19, 24-29, and 36-41.

CONCLUSION

We sustain the rejection of Claims 9, 20, 22, and 23. We do not sustain the rejection of Claims 1-8, 10-13, 16-19, 21, 24-31, and 33-41.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED IN PART

JERRY SMITH Administrative Patent Judge	)	
MICHAEL R. FLEMING Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
JAMES T. CARMICHAEL Administrative Patent Judge	)	

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